

**From:** [Mary Shero](#)  
**To:** [Ferguson, Tracey](#)  
**Subject:** Public Comment  
**Date:** Tuesday, April 9, 2024 11:26:10 AM  
**Attachments:** [MarySheroPublicCommentLetter.pdf](#)

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Please see attached, which is my public comment to be added to the open public hearing on the request for vested rights at the Superior and Engels mines.

Thank you,  
Mary Shero

DATE: April 9, 2024

TO: Plumas County Zoning Administrator as Public Comment  
Plumas County Planning Director Tracey Ferguson  
traceyferguson@countyofplumas.com

FROM: Mary Sher, Resident: Greenville, Plumas County, California

RE: Request by US Copper Corp for Vested Rights Determination for the Engels and Superior Mines. Please add to written public comment as part of open public hearing on this matter

Based on what I have learned about the US Copper Corp request to the Plumas County Zoning Administrator for a determination to grant vested rights for the Engels and Superior mines, I strongly urge the Plumas County Zoning Administrator to deny the petition for vested rights.

Two documents make a particularly strong case for denial. The first is the request from US Copper Corp itself. It is vague, rambling, and relies on narrative rather than proof. In spite of its length and embedded pictures, it simply does not make a case for the existence of vested rights.

The second document, and the one which the County of Plumas should read with a sense of gravity, is the letter from Shute, Mihaly and Wienberger LLP to Tracey Ferguson AICP, Planning Director dated March 20, 2024. This letter provides extensive documentation as to why the county not only can, but must, deny the petition according to the law. The letter which may be viewed in its entirety [here](#) gives four main reasons, with extensive documentation and clarifying discussion, for denial of the petition:

- I. The Petition (from US Copper Corp) ignores foundational elements of vested rights law (p.2-3)
- II. Because all mining stopped long before 1958, there has never been a vested right to mine on the Property (p.3-5)
- III. Even if a vested right had existed, it has since been abandoned (p.6-13)
- IV. In any event, the County cannot grant US Copper's defective Petition (p.13-16) due to the fact that A. US Copper has not proven the geographic or operational scope of the vested right and B. The County's 2011 vested rights determination is irrelevant and possibly illegal (see footnote, p.15)

Very simply, it is clear that the law does not allow Plumas County to grant this request. If the county does grant the request, having been informed of the legal rationale not to, the county will be responsible for, at minimum, the following:

1. Conceivably acting outside the law and against the best interests of their main stakeholders, the residents of Plumas County.
2. Mis-representing to US Copper Corp their legal ability to proceed with their project.
3. Placing the County of Plumas in a precarious, weak and defensive position in the costly lawsuits that will surely follow.

Plumas County should absolutely avoid granting the request from US Copper Corp for vested rights determination. The evidence supporting the request is weak, whereas the legal evidence in support of denial is overwhelmingly strong. **Plumas County personnel should not put the county in a state of risk by granting vested rights.** Plumas County personnel have a responsibility to make the correct decision, and the correct decision in this case is to deny US Copper Corp's request for vested rights with regards to the Superior and Engels Mines.

Sincerely,

Mary Shero

List of Documents Reviewed:

1. Verified Request for Determination of Vested Rights for the Engels-Superior Mines
2. Zoning Administrator Staff Report (subject: Determination of Vested Rights of Mining Operation(s) as per Plumas County Code Section 9-5.05 Vested Rights)
3. Shute, Mihaly and Weinberger letter to Plumas County dated March 20, 2024
4. Public comment submitted in writing to Zoning Administrator as part of open public hearing